

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

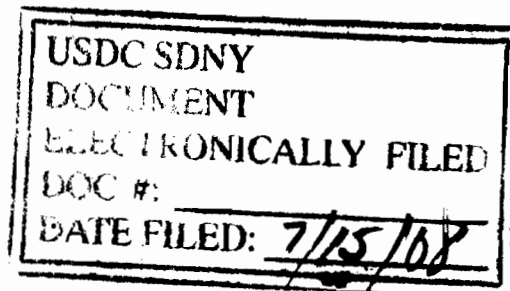
-----X
BRANDON CRUZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.
-----X



: 07 Civ. 06545 (DAB) (THK)

: REPORT AND RECOMMENDATION

TO: HON. DEBORAH A. BATTS, UNITED STATES DISTRICT JUDGE.
FROM: THEODORE H. KATZ, UNITED STATES MAGISTRATE JUDGE.

This civil rights action was referred to this Court for general pretrial supervision. As part of this Court's supervision of pretrial activity, the Court assisted the parties in reaching a settlement of the action. Because Plaintiff Brandon Cruz is a minor, pursuant to Local Civil Rule 83.2, the District Court referred this matter back to this Court for an infant's compromise hearing, which was conducted on June 26, 2008. A transcript of the hearing is attached hereto for the Court's convenience.

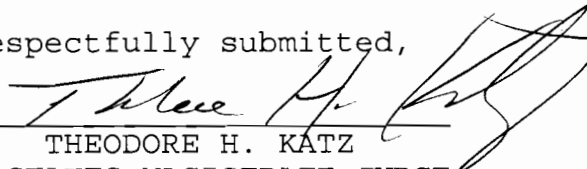
Plaintiff Brandon Cruz, who was fifteen years old at the time of the incident in issue, alleges that he was frisked by New York City detectives after he entered the lobby of his apartment building. The detectives were investigating an armed robbery, which they believed to have been committed by individuals living in Plaintiff's building. Plaintiff was not found to be in possession of a weapon or any other contraband. The detectives then compelled Plaintiff to accompany them to an apartment in the building, where

they believed the robbery suspects lived. Plaintiff was required to knock on the door and show himself to the occupants, while the detectives concealed their presence. In essence, Plaintiff was used as an unwilling police decoy. After the occupants opened the door to the apartment, the police entered the apartment with guns drawn and Plaintiff fled, in fear for his safety. Plaintiff suffered no physical injury as a result of the incident, but he contends that he did suffer emotional anxiety and was viewed unjustifiedly as a "snitch" in the neighborhood.

Having heard from Plaintiff's counsel and his father, and based on the underlying facts alleged in the Complaint and in the attached Declaration of attorney Matthew Flamm and Affidavit of Zulma Rivera, Plaintiff's mother, this Court concludes that the settlement reached is eminently fair to Plaintiff Brandon Cruz, and recommends that it be approved by the District Court. The terms of the settlement involve payment by the City of New York to Plaintiff in the amount of \$30,000.00, one-third of which is to be paid to Plaintiff's counsel as attorney's fees.

A proposed Infant's Compromise Order is attached for the Court's convenience.

Respectfully submitted,



THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: July 15, 2008
New York, New York